

REAL ESTATE BOARD
MINUTES OF MEETING

September 10, 2009

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Carol Clarke, Chair
Byrl Taylor, Vice Chair
Clifford L. Wells
Nathaniel Brown (arrived at 9:38 a.m.)
Judith L. Childress
Marjorie Clark
Florence Daniels
Scott Gaeser
Sharon Johnson

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Liz Hayes, Fair Housing Administrator
Buddy Quimpo, Procurement & Administrative Service Manager
Earlyne Perkins, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Steven Jack and Tom Payne from the Office of the Attorney General were present.

Carol Clarke called the meeting to order at 9:10 A.M.

Call to Order

There was no public comment.

Public Comment

A motion was made by Ms. Clark and seconded by Ms. Johnson to approve the agenda. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

Agenda

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to adopt the following minutes: July 1, 2009, Informal Fact-Finding Conference; July 8, 2009, (Disciplinary) Informal

Minutes

Fact-Finding Conference; July 8, 2009, (Licensing) Informal Fact-Finding Conference; July 9, 2009, Real Estate Board Meeting; July 16, 2009, Informal Fact-Finding Conference; July 20, 2009, Informal Fact-Finding Conference; July 22, 2009, Informal Fact-Finding Conference; July 23, 2009, Informal Fact-Finding Conference; July 27, 2009, (Licensing) Informal Fact-Finding Conference; July 27, 2009, (Disciplinary) Informal Fact-Finding Conference; July 29, 2009, (Disciplinary) Informal Fact-Finding Conference; July 29, 2009, (Licensing) Informal Fact-Finding Conference; August 13, 2009, Informal Fact-Finding Conference and June 18, 2009, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Larissa Ann Wells and Jamie Davis v. Debra M. Gantt, REB File Number 2009-00405**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Grimes Creasy, attorney for the complainants, Larissa Ann Wells, complainant, and Debra M. Gantt, respondent were present and addressed the Board.

At 9:25 A.M., Ms. Daniels offered a motion which was seconded by Mr. Gaeser, that the Board meeting be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

This motion is made with respect to the matter(s) identified as agenda item(s):

Fair Housing Case File Number 2009-00405, Larissa Ann Wells and Jamie Davis v. Debra M. Gantt and Gantt Investment Corporation

**Fair Housing
Administrators
Report**

**Larissa Ann Wells
and Jamie Davis v.
Debra M. Gantt and
Gantt Investment
Corporation, REB
File Number 2009-
00405**

At 9:38 A.M., a motion was made by Mr. Wells and seconded by Mr. Gaeser that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 8-0

AYES: Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

NAYS: None.

ABSENT DURING THE VOTE: Brown.

ABSENT DURING THE MEETING: Brown.

In the matter of **Larissa Ann Wells and Jamie Davis v. Debra M. Gantt, REB File Number 2009-00405**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to find reasonable cause that the respondent discriminated against the complainant by making discriminatory statements. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**Larissa Ann Wells
and Jamie Davis v.
Debra M. Gantt and
Gantt Investment
Corporation, REB
File Number 2009-
00405**

A motion was made by Ms. Clark and seconded by Mr. Wells to find no reasonable cause that the respondent discriminated against the complainant in terms and conditions of the rental of a dwelling to the complainants. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

In the matter of **Paul and Renee Saulsbury v. Carol Burnett, Jack L. Smith, and Jack L. Smith Enterprises, Inc., t/a Old Towne Realty, REB File Number 2009-03702**, a motion was made by Ms. Clark and seconded by Ms. Daniels to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**Conciliation
Agreement**

Board member Nate Brown arrived at 9:38 A.M.

**Arrival of Board
Member**

A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the Fair Housing Sub-Committee minutes of July 9, 2009. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**Fair Housing
Minutes**

In the matter of **File Number 2009-04512, Joseph Dettor**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Dettor, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Dettor's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

**File Number 2009-
04512, Joseph Dettor**

In the matter of **File Number 2009-04477, Ashley Dickinson**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Vivian

**File Number 2009-
04477, Ashley
Dickinson**

Stephenson, witness, was present and addressed the Board. A motion was made by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Dickinson's application for a real estate salesperson's license, having no second the motion failed. A motion was made by Ms. Daniels and seconded by Mr. Brown to accept the recommendation to approve Ms. Dickinson's application for a real estate salesperson's license, with the following amendment: Ms. Dickinson's license is subject to an agreement for licensure for a period of two years wherein Ms. Dickinson and her broker would provide quarterly reports to the Board. The motion failed. Members voting "Yes" were Johnson, Daniels, Brown, and Wells. Members voting "No" were Clarke, Taylor, Gaeser, Childress and Clark. A motion was made to reject the recommendation of the Informal Fact-Finding Conference to approve Ms. Dickinson's application for a real estate salesperson's license due to the recentness of the conviction and the protection of the health, safety and welfare of the public. The motion passed by majority vote. Members voting "Yes" were Clarke, Taylor, Gaeser, Childress and Clark. Members voting "No" were Brown, Daniels, Johnson and Wells.

In the matter of **File Number 2009-04409, Qinglin Li**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Li, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Li's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

File Number 2009-04409, Qinglin Li

In the matter of **File Number 2010-00086, Reginald Samuel**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Samuel, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms.

File Number 2010-00086, Reginald Samuel

Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Samuel's application for a real estate broker's license with the condition of successfully passing an eight (8) hour Broker Supervision course, a three (3) hour Legal Updates course, a two (2) hour Escrow Management course and successfully pass the broker's examination. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

In the matter of **File Number 2010-00086, Maria Taveras-Asouline**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Taveras-Asouline, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Taveras-Asouline's application for a real estate broker's and instead issue a real estate salesperson's license with the understanding that Ms. Taveras-Asouline must take and pass the State portion of the Virginia salesperson's examination within two (2) years from the date of licensure. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

File Number 2010-00086, Maria Taveras-Asouline

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-00085, T. Matt Hansen, Sr.**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Hansen, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Hansen's application for a real estate broker's license. The motion failed. Members voting "Yes" were Clark, Johnson and Wells. Members voting "No" were Brown, Clarke, Childress, Daniels and Taylor. A motion was made by Ms. Daniels and seconded by Ms. Taylor to reject the recommendation contained in the Summary of the Informal

File Number 2010-00085, T. Matt Hansen, Sr.

Fact-Finding Conference to approve Mr. Hansen's application for a real estate broker's license as he does not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Childress, Daniels, Taylor and Wells. Members voting "No" were Clark and Johnson.

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-04607, Christopher Nash**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Nash, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Nash's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2009-04607, Christopher Nash

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-04608, Trevor Hackney**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the Board member. Mr. Hackney, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson, and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Griffith's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2009-04608, Trevor Hackney

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-01041, Denise Vice**, the Board reviewed and reconsidered the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Vice, the applicant, and Godfrey Penn, attorney for the applicant, were present and addressed the Board.

Old Business

A motion was made by Mr. Gaeser and seconded by Ms. Johnson to approve Ms. Vice's application for a real estate broker's license subject the condition that she provides evidence acceptable to the Board that she has attended and successfully completed the following courses: four (4) hours of Escrow Management, four (4) hours of Real Estate Agency, eight (8) hours of Broker Management & Agent Supervision, and successfully passing the broker's examination. The motion failed. Members voting "Yes" were Clarke, Gaeser, Johnson and Wells. Members voting "No" were Brown, Childress, Daniels and Taylor. Ms. Clark abstained from voting in the matter.

A motion was made by Mr. Gaeser and seconded by Ms. Clark to approve Ms. Vice's application for a real estate broker's license subject the condition that she provides evidence acceptable to the Board that she has attended and successfully completed the following courses: to successfully completing and providing proof to the Board of the following courses: four (4) hours of Escrow Management, four (4) hours of Real Estate Agency, eight (8) hours of Broker Management & Agent Supervision, and successfully passing the broker's examination. The motion passed by majority vote. Members voting "Yes" were Clark, Clarke, Johnson, Gaeser and Wells. Members voting "No" were Childress, Daniels and Taylor. Mr. Brown abstained from voting in the matter.

The Board recessed from 10:50 A.M. to 11:07 A.M.

Break

In the matter of **File Number 2009-02167, Yousaf Raza**, the Board reviewed the Consent Order as seen and agreed to by Mr. Raza. Mr. Raza, respondent, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Raza admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained

File Number 2009-02167, Yousaf Raza

in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for the violation of Count 1, Raza agrees to voluntary revocation of his broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of execution of the Order. Further, Raza agrees to one (1) year probation of his license as of the effective date of the Order. During the one (1) year probationary period Raza agrees to: (1) Comply with the rules and regulations of the Real Estate Board; (2) Not be involved in any lawsuits that arise from conduct related to his licensure with the Board/Department; (3) Not be in violation of any local, state, or federal laws or regulation; and (4) Provide to the Board, on a quarterly basis, a written statement and supporting documentation, if applicable, prepared by Raza and his broker, attesting to the fact that Raza is in compliance with terms listed above. If Raza violates any terms of this probation, his salesperson's license shall be automatically revoked. Raza understands the right to have this revocation considered in an Informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. Also, for violation of Count 1, Raza agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed by majority vote. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Johnson and Wells. Members voting "No" were Childress and Taylor.

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02619, Jeffrey J. Vinson**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Jeffrey J. Vinson, respondent, was present and addressed the

File Number 2009-02619, Jeffrey J. Vinson

Board. A motion was made by Mr. Wells and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.5 (Count 2) of the Board's 2003 Regulations and (3 *violations*) of 18 VAC 135-20-260.6 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

A motion was made by Mr. Wells and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$750.00 for each violation contained in Count 3, for a total of \$2,250.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04407, Christine C. Murphy**, the Board reviewed the Consent Order as seen and agreed to by Ms. Murphy. Ms. Murphy, respondent, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Murphy admits to a violation of 18 VAC 135-20-180.C.4 (Count 1) of the Board's 2003

File Number 2008-04407, Christine C. Murphy

Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.B (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, \$800.00 for the violation contained in Count 3, \$1,200.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$3,550.00. In addition, for the violation of Counts 1 and 4, Murphy agrees to voluntary surrender her broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of execution of the Order. Further, Murphy agrees to one (1) year probation of her license as of the effective date of the Order. During the one (1) year probationary period Murphy agrees to: (1) Comply with the rules and regulations of the Real Estate Board; (2) Not be involved in any lawsuits that arise from conduct related to her licensure with the Board/Department; (3) Not be in violation of any local, state, or federal laws or regulation; and (4) Provide to the Board, on a quarterly basis, a written statement and supporting documentation, if applicable, prepared by Murphy and her broker, attesting to the fact that Murphy is in compliance with terms listed above. If Murphy violates any terms of this probation, her salesperson's license shall be automatically revoked. Murphy understands the right to have this revocation considered in an Informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. Also, for violation of Count 4, Murphy agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Wells. Members voting "No" was and Taylor.

As the Board member who reviewed the file, Ms. Johnson did

not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02563, Travis D. Gay**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Gay, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find (2 *violations*) of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

File Number 2009-02563, Travis D. Gay

A motion was made by Ms. Johnson and seconded by Ms. Clark to impose a monetary penalty of \$800.00 for the violation contained in Count 2, for a total of \$800.00. The Board also imposes the following sanction(s): Gay's license is placed on probation for a period of three (3) years for the violation contained in Count 1. While on probation, Gay, and his broker, will provide quarterly reporting to the Board that he is in compliance with the rules and regulation of the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

In the matter of **File Number 2009-03846, William C. McKnew**, the Board reviewed the Consent Order as seen and agreed to by Mr. McKnew. Mr. McKnew, respondent, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to reject the proposed Consent Order offer and make a counteroffer wherein Mr. McKnew admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, with no Board costs for a total of \$250.00. In addition, McKnew agrees to complete at least two (2) classroom hours of Board-approved education pertaining to Escrow Management and/or equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the

File Number 2009-03846, William C. McKnew

Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion failed. Members voting "Yes" were Daniels and Gaeser. Members voting "No" were Brown, Clark, Clarke, Childress, Johnson, Taylor and Wells.

A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the proposed Consent Order wherein Mr. McKnew admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. In addition, McKnew agrees to complete at least two (2) classroom hours of Board-approved education pertaining to Escrow Management and/or equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The monetary penalty must be paid within 90 days. If Mr. McKnew does not accept the counteroffer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

In the matter of **File Number 2009-04504, Richard Crespo**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the Board member. A motion was made by Ms. Taylor, and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Crespo's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2009-04504, Richard Crespo

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00624, Emranur Z. Kabir**, the Board reviewed the Consent Order as seen and agreed to by Mr. Kabir. A motion was made by Ms. Taylor and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Mr. Kabir admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-310.1 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,650.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$2,050.00. In addition, for the violation of Counts 1-2, Kabir agrees to complete at least eight (8) classroom hours of continuing education pertaining to Real Estate Contracts approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Wells and Taylor.

File Number 2009-00624, Emranur Z. Kabir

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

Due to a possible conflict of interest, Ms. Daniels did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02170, Thomas C. Schools, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Schools. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Mr. Schools admits to a violation of §54.1-2139.A (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-210.A (Count 2) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Counts 1-3, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Counts 1-3, Schools agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and at least eight (8) classroom hours of continuing education pertaining to

File Number 2009-02170, Thomas C. Schools, Jr.

Contracts approved by the Board and provide proof of attendance and successful completion. These courses must be completed in the classroom. Further, Schools agrees to suspension of his license until the continuing education requirements noted above are completed. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Wells and Taylor.

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02172, Debra G. Schools**, the Board reviewed the Consent Order as seen and agreed to by Ms. Schools. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Ms. Schools admits to a violation of §54.1-2139.A (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-210.A (Count 2) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Counts 1-3, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Counts 1-3, Schools agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and at least eight (8) classroom hours of continuing education pertaining to Contracts approved by the Board and provide proof of attendance and successful completion. These courses must be completed in the classroom. Further, Schools agrees to suspension of her license until the continuing education requirements noted above are completed. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Wells and Taylor.

File Number 2009-02172, Debra G. Schools

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02755, Nora K. Critz**, the Board reviewed the Consent Order as seen and agreed to by Ms. Critz. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Ms. Critz admits to a violation of 18 VAC 135-20-170.A.3 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$400.00. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2009-02755, Nora K. Critz

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

Due to a possible conflict of interest, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-03820, Robert C. Dodge**, the Board reviewed the Consent Order as seen and agreed to by Mr. Dodge. A motion was made by Mr. Wells and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Mr. Dodge admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$550.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

File Number 2009-03820, Robert C. Dodge

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04109, Johar Mirza**, the Board reviewed the Consent Order as seen and agreed to by Mr. Mirza. A motion was made by Mr. Wells and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Mirza admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-220.A.3 (Count 2) of the Board's 2003 Regulations, no violation of 18 VAC 135-20-220 (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations, a violation

File Number 2008-04109, Johar Mirza

of 18 VAC 135-20-280 (Count 5) of the Board's 2003 Regulations, and no violation of 18 VAC 135-20-310 (Count 6) of the Board's 2003 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$550.00 for the violation contained in Count 2, \$1,500.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$2,700.00. In addition, for violation of Count 4 and Count 5, Mirza agrees to voluntary surrender of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-03373, Judy W. Austin**, the Board reviewed the Consent Order as seen and agreed to by Ms. Austin. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Ms. Austin admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,650.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$4,300.00. In addition, Austin agrees to complete at least four (4) classroom hours of continuing education pertaining to Escrow Management approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

File Number 2009-03373, Judy W. Austin

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-01576, Tom Michael Ross**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal

File Number 2009-01576, Tom Michael Ross

Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, for a total of \$5,000.00. In addition, the Board imposes revocation of license for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-03783, Brian Andrew Sivak**, the Board reviewed the Consent Order as seen and agreed to by Mr. Sivak. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Sivak admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,650.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,800.00. In addition, for violation of Count 1, Sivak agrees to complete at least four (4) classroom hours of continuing education pertaining to Broker Management and Supervision approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

File Number 2009-03783, Brian Andrew Sivak

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-03049, Glenn George Glakas**, the Board reviewed the Consent Order as seen and agreed to by Mr. Glakas. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Mr. Glakas admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$3,150.00. In addition, for violation of Counts 1 and 2, Glakas agrees to complete at least six (6) classroom hours of continuing education pertaining to Real Estate Contracts approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

File Number 2009-03049, Glenn George Glakas

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00746, Judy Carol Horne**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations, and no violation of 18 VAC 135-20-180.B.1.a (Count 4) of the Board's 2003 Regulations. The motion passed unanimously.

File Number 2008-00746, Judy Carol Horne

Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

A motion was made by Ms. Daniels and seconded by Ms. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, for a total of \$1,500.00. The Board also imposes the following sanctions: Horne’s license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed continuing education which is to include: two (2) hours of continuing education pertaining to Real Estate Contracts; two (2) hours of continuing education pertaining to Legal Updates and Emerging Trends; and three (3) hours of continuing education pertaining to Ethics and Standards of Conduct. The course(s) must be completed in the classroom. Horne must provide proof acceptable to the Board of the course completion within ninety (90) days of the execution of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Wells.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

In the matter of **File Number 2009-01896, Mirtes Sousa Happy-Nysven**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board’s 2003 Regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Daniels, Johnson, Gaeser, Taylor and Wells.

Transfer of Chair

File Number 2009-01896, Mirtes Sousa Happy-Nysven

A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,550.00, for the violation contained in Count 1, for a total of \$1,550.00. The Board also imposes revocation of license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Gaeser, Taylor and Wells.

As the presiding Board member who reviewed the file, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke returned and resumed the position of Chair.

In the matter of **File Number 2009-02566, Monica Meier Lobo**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Gaeser, Taylor and Wells.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500.00, for the violation contained in Count 1, for a total of \$500.00. The Board also imposes revocation of license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Gaeser, Taylor and Wells.

In the matter of **File Number 2008-03617, Charles Badu**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was

Transfer of Chair

File Number 2009-02566, Monica Meier Lobo

File Number 2008-03617, Charles Badu

made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-210.B (Count 2) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-190.D.2 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-260-10 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,500.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$1,500.00 for the violation contained in Count 4, for a total of \$5,000.00. The Board also imposes revocation of license for the violation contained in Count 1. In addition, for Count 2 and Count 3, the Board voted that Badu's license be placed on probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed four (4) hours of continuing education pertaining to Laws and Regulations approved by the Board. The course(s) must be completed in the classroom (no on-line courses). Badu must provide proof acceptable to the Board of the course completion within 90 days of the execution of the Order. Further, for Count 4, the Board voted that Badu's license be placed on probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct approved by the Board. The course(s) must be completed in the classroom (no on-line courses). Badu must provide proof acceptable to the Board of the course completion within 90 days of the execution of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

As the presiding Board member, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03509, Mensah Yain Adomako**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-210.B (Count 2) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-260-10 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

File Number 2008-03509, Mensah Yain Adomako

A motion was made by Ms. Daniels and seconded by Ms. Taylor accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,500.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,500.00 for the violation contained in Count 3, \$2,500.00 for the violation contained in Count 4, for a total of \$6,500.00. The Board also imposes revocation of license for the violation contained in Count 3 and 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

As the presiding Board member, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02888, Marilyn King Brennan**, the Board reviewed the Consent Order as seen and agreed to by Ms. Brennan. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Brennan admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*. In addition, for the violation of Count 1, Brennan agrees to complete at least four (4) classroom hours of continuing education pertaining to Real Estate Contracts and/or equivalent course approved by the Board and provide proof of completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is

File Number 2009-02888, Marilyn King Brennan

acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Gaeser, Taylor and Wells.

In the matter of **File Number 2009-04060, Dan Ingersoll t/a Blue Ridge Property, LLC**, the Board reviewed the facts and information presented in the investigative file. After discussion, the Board is of the opinion that Mr. Ingersoll may be acting as a real estate salesperson/broker when he is not licensed by the Board. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to issue a Cease and Desist Order to Mr. Ingersoll to stop acting as an unlicensed real estate broker or salesperson. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Gaeser, Taylor and Wells.

File Number 2009-04060, Dan Ingersoll t/a Blue Ridge Property, LLC

Steven Jack updated the Board on the status of the H.K. Berdensen Estate, LLC receivership. No action was taken by the Board.

Old Business

A motion was made by Mr. Gaeser and seconded by Ms. Clark to approve the filing of an Exempt Action to repeal the Common Interest Community Management Information Fund and Timeshare Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

Administrative Issues

The Board reviewed the Education Committee Report. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the September 9, 2009, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

Education Committee Report

A motion was made by Ms. Childress and seconded by Ms. Johnson to forward names of candidates for the Real Estate Board's Advisory Council to Ms. Clarke for consideration and selection. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

New Business

Ms. Taylor updated the Board on the September 1, 2009,

meeting of the Real Estate Broker and Real Estate Appraiser Board Broker Price Opinion Working Group. No action was taken by the Board.

A motion was made by Ms. Clarke and seconded by Ms. Taylor to adopt the following resolution to honor the years of dedicated service by former Board Member R. Schaefer Oglesby to the Board:

Resolution

RESOLUTION IN HONOR OF

R. Schaefer Oglesby

WHEREAS, **R. Schaefer Oglesby**, has faithfully and diligently served as a member of the Real Estate Board since 2001; and

WHEREAS, **R. Schaefer Oglesby**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **R. Schaefer Oglesby**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this tenth day of September, 2009 that **R. Schaefer Oglesby** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Member voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

A motion was made by Mr. Gaeser and seconded by Mr. Wells

New Business

allowing criminal history checks to remain valid for 45 days from the date fingerprinting results are completed. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Taylor and Wells.

Buddy Quimpo, Procurement and Administrative Service Manager, updated the Board on the fingerprinting process. No action was taken by the Board.

New Business

The Board completed Conflict of Interest training.

New Business

There being no further business, the Board adjourned at 2:10 P.M.

Adjourn

Carol F. Clarke, Chair

Jay DeBoer, Secretary